

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

\_\_\_\_\_  
MOMODOU SALLA )  
 )  
Petitioner, ) Civil Action  
 ) No. 04CV10611-MLW  
v. )  
 )  
JOHN ASHCROFT, )  
 )  
Respondent. )  
\_\_\_\_\_

**RESPONDENT, JOHN ASHCROFT'S MOTION FOR AN EXTENSION UNTIL  
AUGUST 27, 2004 TO ANSWER OR OTHERWISE RESPOND TO THE PETITION**

Respondent, John Ashcroft, hereby moves for an extension until August 27, 2004, to answer or otherwise respond to the instant Petition.

The instant Petition involves allegations that the Petitioner is wrongfully in the custody of the Middlesex County Department of Corrections in New Jersey. On June 28, 2004, the United States Attorney's Office was provided with a copy of the Petition, along with an order directing that an answer be filed within twenty (20) days.

Counsel for the respondent believes this to be an action that may be appropriately resolved by way of a dispositive motion and the extension requested is reasonably necessary to prepare a responsive pleading. Moreover, the request is in accord with Fed. R. Civ. P. 12(a)(3)(A), which ordinarily allows the United States sixty (60) days in which to answer.

Wherefore, the Respondent, John Ashcroft, requests that this Court allow an extension, until August 27, 2004, to answer or otherwise respond to the Petition.

Respectfully submitted,

MICHAEL SULLIVAN  
United States Attorney

By: /s/ Mark J. Grady  
Mark J. Grady  
Assistant U.S. Attorney  
John J. Moakley Courthouse  
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CERTIFICATE UNDER L.R. 7.1

The respondent takes the position that L.R. 7.1 requires “counsel” to confer and is not applicable where, as here, the opposing party is *pro se*. Alternatively, because Petitioner is a currently incarcerated in a state correctional facility in New Jersey, counsel for the Respondent respectfully requests leave to file this Motion without a 7.1 conference.

/s/ Mark J. Grady  
Mark J. Grady  
Assistant United States Attorney

CERTIFICATE OF SERVICE

IT IS HEREBY CERTIFIED that on this 19<sup>th</sup> day of July, 2004 service of the foregoing Motion has been made upon the Petitioner Momodou Salla, Middlesex County Jail, PO Box 266, New Brunswick, NJ 08903 by depositing a copy in the United States mail, postage prepaid.

/s/ Mark J. Grady  
Mark J. Grady  
Assistant United States Attorney